

REMARKS

(A) STATUS OF THE APPLICATION

Applicant thanks the Examiner for her explanation of the restriction requirement in the Non-Final Office Action dated March 03, 2006.

(I) DISPOSITION OF CLAIMS

- (i) Claims 1-11 are pending in the application.
- (ii) Claims 1-11 are subject to restriction requirement and an election requirement.

(II) APPLICANT'S ACTION

- (i) Applicant has made an election.
- (ii) Applicant traverses the restriction requirement with a request for reconsideration of the restriction requirement.

(B) RESPONSE TO ELECTION OF SPECIES REQUIREMENT

According to the Examiner, the patent application contains claims directed to the following patentably distinct species:

- (I) Fig. 1-12E
- (II) Fig. 13
- (III) Fig. 14
- (IV) Fig. 15
- (V) Fig. 16
- (VI) Fig. 17A-17E

Under 37 C.F.R. § 1.143, Applicant *provisionally* elects to prosecute the invention related to Figs. 1-12E, with traverse and a request for reconsideration (below).

(C) RESPONSE TO RESTRICTION REQUIREMENT

According to the Examiner the patent application contains claims directed to the patentably distinct species (as stated *supra*). Also according to the Examiner, the species are independent or distinct “because they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (*citing* MPEP § 802.01 and § 806.06).”

Applicant respectfully disagrees with the Examiner’s position. Also, under 37 C.F.R. § 1.143, Applicant traverses the restriction requirement and requests the Examiner for reconsideration and withdrawal of the restriction requirement.

Particularly, under MPEP § 806 (C), “[w]here inventions are related as disclosed but are not distinct as claimed, restriction is never proper.” Applicant respectfully submits that Figs. 13-16 disclose obvious variations in design of the double-slider valve fitment described in Figs. 1-12E, in that they achieve the biasing action between the internal and external sliders or the internal and external sliders differ from each other (in Fig. 13). Generally, the mode of operation is not different, and if different, it is only an obvious variant as discerned by a person of ordinary skill in this art.

For example, in Fig. 13 the internal slider is different from that in the previous embodiment of Fig. 1-12. This difference, an obvious variant to the internal slider of Figs. 1-12, is described in the specification paragraphs [0065] and [0066].

In Fig. 14, the external slider includes a valve seat that is flexible and curves towards the internal ledge. The internal slider, however, includes a lower body portion that has an internal configuration that is shaped to correspond to the shape of the valve seat. For a further description of the internal slider of Fig. 14, Applicant respectfully points to paragraph [0069] of the specification.

In Fig. 15, the external slider configuration is the same as that of Fig. 14, but the internal slider the internal slider in this embodiment includes a lower body portion that is solid and in the closed position may lie adjacent the upper surface of the curved valve seat of the external slider.

Similarly, for example, Fig. 16 illustrates a fitment that does not include the valve seat that is included in Figs. 1-15 but includes an internal valve wall that extends across the internal diameter of the external slider at the location of the internal ledge.

In the same manner, Figs. 17A-E illustrates a further obvious variant of the external slider and internal slider, which are elements that comprise the present invention. Applicant believes that variations in the geometry of both sliders are within the scope of the present invention because the internal slider is operable to telescope within the external slider, and the external slider is operable to telescope within the shell of the fitment.

Therefore, under 37 C.F.R. § 1.143, Applicant requests that the Examiner reconsider and withdraw the restriction requirement.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that stated grounds of restriction requirement rejection have been properly traversed, accommodated, or rendered moot and that a complete response has been made to the Non-Final Office Action mailed on March 03, 2006.

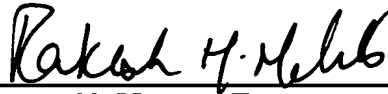
If the Examiner has questions regarding the application or the contents of this response, the Examiner is invited to contact the undersigned at the number provided.

Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 501447 (Potter Anderson & Corroon, LLP).

Respectfully Submitted,

BY:

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